



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 1, 2016
Committee on Commerce

Testimony Submitted by Commissioner Robert J. Klee

Senate Bill No. 301 Raised AN ACT MODIFYING THE THRESHOLDS FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS.

Thank you for the opportunity to present testimony regarding Raised **Senate Bill No. 301 – AN ACT MODIFYING THE THRESHOLDS FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS.** The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

This proposal makes revisions to DEEP's Emergency Response and Spill Prevention program by seeking to modify release reporting requirements set in Section 22a-450 of the general statutes. DEEP is not in support of this bill for the following reasons. The department receives approximately 8000 release calls a year. These calls encompass releases from residential actions (ex. oil tank overfills), schools and institutions to transportation incidents (ex. petroleum train derailments, tractor trailer overturns) and spills/releases at industrial/commercial facilities. Based on these calls, it is our opinion that releases are being reported in accordance with the law. This proposal may lead to no reporting since reporting is based on triggering threshold amounts which are to be established by regulations. Thus, until regulations are adopted, there will be a gap during which protection of public health and the environment may be at risk since there will be no reporting. This gap is of concern to the department since the department has tried three times to develop release reporting regulations. Unfortunately, the outcome of each of these initiatives was not successful mainly due to the very divergent interests across the release reporting stakeholder community. In addition, mandating the department to develop such regulations puts unnecessary burden on the department to prioritize such work and divert limited resources to this effort.

The proposed amendments to Section 1(a) create confusion. The credentials for the reasonable environmental health and safety professional are undefined and the standard is a subjective one. It is also not clear how the reasonable environmental health and safety professional standard works with the threshold exceedance triggers. The addition of the term 'uncontained' adds further confusion and uncertainty. While 'discharge' is an established term defined in Section 22a-423 of the general statutes, it is not clear is intended by the term 'uncontained discharge. One example of this is an above ground

bulk storage tank that has a release of gasoline within the containment dyke system—the release may be contained within the walls of the facility, but it is not contained “vertically” where soils, groundwater and potentially surface waters may become negatively impacted.

In summary, DEEP opposes Senate Bill No. 301 **AN ACT MODIFYING THE THRESHOLDS FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS** and the mandate to develop regulations and looks forward to working with the Committee to promote effective protective release reporting.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP’s Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov